IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE SEVENTH DAY OF FEBRUARY

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.2276 OF 2006

Between**:**

K.M.Abdul Hameed & Ors. … Petitioners

Versus

The Executive Engineer, (R & B),

Tirupati & Ors. … Respondents

Counsel for the Petitioners: Mr.G.Dasaradha Rami Reddy (308)

Counsel for the Respondents: GP for R & B

MR.S.I. NEWTON

GP for Revenue

O R D E R :

This writ petition is filed to declare the action of the respondents in demolishing/acquiring the buildings of the petitioners, viz., Door Nos.8-62, 8-63, 7-83A, 8-57 and survey no.178/10 situate on Prakasam Road of Nagari, Nagari Revenue Mandal, Chittoor district, without following due process of law, as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents not to demolish/acquire further and not to interfere with the lawful and peaceful possession of the petitioners buildings.

It is stated that the petitioners are the owners of the buildings bearing Door Nos. 8-62, 8-63, 7-83A, 8-57 and survey no.178/10 situate on Prakasam Road of Nagari, Nagari Revenue Mandal, Chittoor district. On 25-12-2005 the respondents without following due process of law have demolished/acquired the shops and residential buildings of the petitioners, since the respondents want 40 feet road from the center point of the existing road. It is stated that the petitioners have strongly protested for

the action of the respondents on the ground that they have not been given a prior notice even to remove the articles and make alternative arrangements.

It is further stated that the respondents want to demolish/acquire further, since the respondents want 3 more feet on both the sides.

The grievance of the petitioners is that they have renovated the said buildings by spending considerable amount and if the respondents start further demolition/acquisition without following due process of law, much prejudice would be caused to them.

Heard the learned counsel for the petitioners and the learned Govt.Pleader for R & B and Revenue.

No doubt widening/laying of the road is in the public interest. While laying the road, if any property of private individual is coming in the way, it is for the respondents to acquire the same either by way of initiating land acquisition proceedings or by following due process of law.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondents not to demolish the structures of the petitioners, viz., Door Nos.8-62, 8-63, 7-83A, 8-57 and survey no.178/10 situate on Prakasam Road of Nagari, Nagari Revenue Mandal, Chittoor district, without following due process of law, or take away any portion of the aforesaid property of the petitioners and not to dispossess them without following

due process of law under Sections 146 or 147 of the Act or private negotiations or initiating the proceedings under the Land Acquisition Act, 1894.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

FEBRUARY 07th, 2005. ----------

l s L. V. ESWARAIAH, J.